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NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

John Wesley Hall
PRESIDENT

June 9, 2009

The Honorable Bobby Scott
Chairman
Subcommittee on Crime, Terrorism,
and Homeland Security
U.S. House of Representatives

The Honorable Louie Gohmert
Ranking Member
Subcommittee on Crime, Terrorism,
and Homeland Security
U.S. House of Representatives

Re: H.R. 2289, the "Juvenile Justice Accountability and Improvement Act of 2009"

Dear Mr. Chairman and Mr. Gohmert:

On behalf of the National Association of Criminal Defense Lawyers (NACDL), I am writing to endorse the Juvenile Justice Accountability and Improvement Act of 2009 (H.R. 2289). The Act would better align the sentencing of youths convicted of serious offenses with the rehabilitative goals of our country's juvenile justice system by requiring periodic reviews of life sentences given to individuals under the age of 18.

At present, more than 2,500 juvenile offenders in the United States are serving sentences of life without parole for crimes they committed before their eighteenth birthdays. Nearly 60% of them are first-time offenders, and 16% were 15 years old or younger when they committed their crimes. Review of their sentences within 15 years of incarceration, and every 3 years thereafter, would give minors sentenced to life without parole a chance to reform and reenter society without endangering the public.

Juvenile life without parole sentencing is antithetical to our firm belief that child offenders are less culpable than their adult counterparts. Behavioral science research confirms the belief long held by federal and state lawmakers that young people lack adult judgment and are better candidates for rehabilitation. In *Roper v. Simmons*, the U.S. Supreme Court explained that it is morally "misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor's character deficiencies will be reformed." Despite this consensus, many juveniles have received harsher sentences than adults convicted of the same crime. Systemic racial disparities and inadequate legal representation further undermine the implementation of juvenile life sentencing nationwide.

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The imposition of life without parole sentences on young people is also inconsistent with our country's commitments under the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman and Degrading Punishment, and the International Convention on the Elimination of All Forms of Racial Discrimination. No other country in the world sentences its children to terms of life without parole. Indeed, such sentences are expressly prohibited by the United Nations Convention on the Rights of the Child, which only the United States and Somalia have not yet ratified.

Eleven states currently forbid juvenile live without parole sentencing or have no offenders serving that sentence. As a national bar association with approximately 12,000 members, NACDL is committed to furthering the cause of juvenile justice in all states as well as the federal criminal justice system. NACDL therefore strongly supports the Juvenile Justice Accountability and Improvement Act of 2009 and urges the House Judiciary Committee to move forward with H.R. 2289.

Sincerely,

A handwritten signature in black ink, reading "John Wesley Hall". The signature is written in a cursive, flowing style with a large initial "J".

John Wesley Hall
President, National Association of Criminal Defense Lawyers